



DAVID E. JANSSEN
Chief Administrative Officer

County of Los Angeles **CHIEF ADMINISTRATIVE OFFICE**

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

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February 10, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
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Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

OPEN GOVERNMENT INITIATIVES

Following a hearing on October 22, 2002 regarding ways to further open up the local government process to the public, the Board asked my office to report back on several issues raised by speakers.

CREATION OF AN OMBUDSMAN

Several speakers suggested that the County create an ombudsman position to assist the public in getting public records and accessing public meetings. Programs in Indiana, Oakland and Florida were cited as models.

We examined the Indiana program and found that the State in 1999 created a counselor position to provide advice and assistance concerning public access laws to the public, government officials and employees. The counselor provides written advisory opinions in response to complaints, as long as there is no pending judicial proceeding on the issue, and responds informally to questions and complaints by telephone, e-mail or letter. This office provides education and training regarding the rights and responsibilities of all parties to anyone who has an interest in learning about the public access laws. The counselor, who must be a practicing attorney, is appointed by the governor to a four-year term.



We also looked at the Oakland Open Government Program. The Office of the City Attorney created the program to ensure that its citizens have full access to information about their city and its business. The City Attorney developed an "Open Government Bill of Rights" detailing the rights of the citizens in obtaining access to city government, and created a coordinator position to monitor and ensure the city's compliance with open government policies and laws. In 1997, the Oakland City Council adopted a Sunshine Ordinance that details requirements for public access to meetings and release of public information.

We also examined Florida's Sunshine Law, established in 1967, which pertains to open meetings of governmental boards. The law applies to any gathering, whether formal or casual, of two or more members of the same board to discuss some matter which will foreseeably come before the board for action. Members are not allowed to discuss with any other member of the committee any item that is under consideration by the committee except at a duly noticed public meeting. Members are allowed to submit to other members in writing, or by electronic mail, a position on an issue pending before the committee, but there may be no interaction or exchange of communications between the members; any such position paper must be promptly filed and preserved as a public record. In the course of a solicitation for a procurement, prospective vendors may be prohibited from discussing the procurement with board members. The Sunshine Law provides for a mediation program, operated by the general counsel in the Attorney General's Office, to resolve disputes regarding open government issues as an alternative to litigation.

For these reasons and because of additional actions the Board has already taken, we do not recommend establishing an ombudsman for public records.

PUBLIC SPEAKING LIMITATION

Several speakers expressed concern about Los Angeles County's policy that limits the public addressing the Board on non-agenda items to three minutes once every 90 days. This policy was enacted in 1987, as was one that limits the number of people to five who can sign up for public comment at any one meeting. The Board also, in 1986, enacted policy that allows an individual to speak on only one agenda item per meeting, and requires the person to sign up with the clerk of the Board prior to the meeting. As we are aware, the Board often waives these policies.

It is not uncommon for public agencies to limit the amount of time that members of the public may comment on issues to facilitate orderly, efficient meetings. A 1999 survey by the National Association of Counties showed such limitations are imposed nationwide

in varying degrees. In Mendocino County, for example, citizens are allowed to speak three minutes each on non-agenda items, with a 10 minute-maximum allowed per topic. Group presentations in San Diego County may last 15 minutes, with individuals limited

to three minutes. Hillsborough County, FL, restricts comments to three minutes. Washington County, MN, allows speakers five minutes, but may limit the presentation "where it would be in the best interests of the county to do so."

TRANSLATION OF DOCUMENTS INTO OTHER LANGUAGES

One speaker suggested that county documents be translated into other languages. The County does make an effort to translate informational documents into other languages. Most, if not all, of the 37 departments provide Spanish versions of many of their publications, and the Board telecast is available in Spanish. The Registrar-Recorder/County Clerk provides voter registration information, election materials and oral assistance in Chinese, Japanese, Korean, Spanish, Tagalog and Vietnamese.

EMPLOYEE TRAINING IN PUBLIC ACCESS LAWS

One speaker recommended that the Board adopt an ordinance requiring employee orientation, accountability, enforcement and training in public access laws. In April 2002, the Board took a number of actions in this regard. It instructed the Executive Officer and the County Counsel to prepare materials and conduct annual seminars for staff of all County bodies that operate under the Brown Act to ensure they adhere to the provisions of the law. The Board also adopted a Public Records Policy and posted it on the Internet. The Board ordered each department to designate an employee to assist with public records requests and to post that person's name and contact information on the website. Departments were also ordered to post all their communications to the Board on the website. Additionally, the Board asked the Chief Administrative Office to conduct annual seminars for department heads to ensure they are aware of the Board policy on expeditiously handling press inquiries for public records and information. We are working with departments to see that these directives are fully implemented.

The County continues to move forward on projects to fulfill the Board's goal of opening up the government process to allow the public to better understand and participate in decision-making. A particularly significant project is expected to be completed by February 14, 2003: the posting on the Internet of transcripts of Board meetings with corresponding video segments within 24 hours of the end of meetings. This will be

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linked to the Board statement of proceedings so that a person may read the actual discussion of an item, watch the video of that discussion, and access any written supporting documents filed on the issue.

Please let me know if you would like additional information.

DEJ:GK
JAH:mp

c: Executive Officer, Board of Supervisors
 County Counsel